

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 6, 1860.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany Bill S. 117.]

*The Committee on Claims, to whom was referred the memorial of Dona Guadalupe Estudillo de Arguello, have had the same under consideration, and thereupon report:*

This case was considered by the Committee on Claims at the 1st session of the 32d Congress, and a favorable report was made thereon, accompanied by a bill. This bill passed the Senate, but was not acted on in the House of Representatives.

Subsequently the case was submitted to the "board for the examination of claims contracted in California under Colonel Frémont," who gave the following opinion thereon, to wit:

"This claim, purporting to be for property taken by the Mexican troops, does not appear to come within the province of the board for examination; but from the peculiar circumstances of the case, as set forth in the documents accompanying it, the board desire to call the attention of Congress to the claim as one worthy of its favorable consideration."

The case was again considered by the Senate's Committee on Claims at the 1st session of the 34th Congress, and the following report and bill were reported to the Senate.

IN SENATE, March 23, 1852.

Mr. BRODHEAD made the following report:

*The Committee on Claims, to whom was referred the petition of Santiago E. Arguello, report:*

The petitioner was a wealthy and influential inhabitant of California, residing in the vicinity of San Diego. On the invasion of that country during the Mexican war, and on the appearance of the proclamation of Commodore Stockton, then in command of that division of the American forces, Arguello placed himself at the head of a company

raised through his influence and exertions, and immediately joined the United States forces, and fought with distinguished bravery and effect in several actions, under the command of Commodore Stockton, who fully attests his gallantry and the importance of his services.

On the 25th November, 1846, he was appointed by Governor Stockton a captain of riflemen in the California battalion, and, on the 16th January, 1847, a member of the legislative council of that Territory.

In consequence of his attachment to the cause of the United States, and the zeal and activity which he manifested in their service, his *rancho* was ravaged and laid waste, his buildings burnt, and his cattle and other movable effects taken away by the enemy, by which he appears to have been reduced from competence and wealth to penury and dependence.

A commission, appointed by H. Fitch, esq., alcalde of San Diego, to examine and report upon the losses of Arguello, state, under oath, and after a personal examination, that the personal property thus destroyed by the enemy amounted, "at the lowest value," to \$14,888. The items are as follows:

472 tanned deer skins, at \$2 .....	\$944
24 tanned cow hides, at \$6.....	144
20 mares, at \$10 .....	200
500 head of cattle, at \$20.....	10,000
250 sheep, at \$4.....	1,000
42 horses, at \$50.....	2,100
100 pigs, at \$5.....	500
Total .....	14,888

These prices of the horses and cattle may have been somewhat enhanced by the demand growing out of the military operations; and the committee have therefore deemed it proper to reduce the valuation of the horses from fifty dollars to thirty dollars each, and of the cattle from twenty dollars to fifteen dollars a head, reducing the total amount to \$11,548, which sum the committee think should be paid.

On leaving California, Governor Stockton, who rendered such valuable, important, and arduous service in that then distant and almost unknown Territory, addressed a communication to Arguello, in which, after acknowledging his services, sacrifices, and losses, he says: "I hope—nay, I have not the least doubt but that the losses which you have sustained will be reimbursed by the government of the United States."

The annexed letter of Commodore Stockton, in answer to inquiries from the committee, is made a part of this report, and referred to as containing a very satisfactory statement of the important services of Mr. Arguello, and of the nature and extent of his losses; and in view of all the circumstances, it is deemed to be the dictate of sound policy, as well as of justice and equity, that he should be protected, at least to the extent proposed in the accompanying bill, from the ruinous losses resulting solely from his devotion to the honor and interests of this government.

The policy of the United States in remunerating those who have testified attachment to our cause and our institutions, by forsaking the cause of an enemy and risking their lives and property in our service, was sanctioned by the early action of the government. In 1818, a committee of the House of Representatives made a report on a claim of this nature, in which they say: "If the liberal policy heretofore pursued by the United States is continued, it would not require much calculation to predict its effects, in the event of another contest." The Senate Committee on Claims, at the second session of the twenty-first Congress, in their report (No. 30) in the case of John Daly, a Canadian refugee, adopt the same principle, and recommend relief, which was granted to the amount of five thousand dollars, "for supplies furnished and assistance rendered to the army of the United States in Canada," &c.

In accordance with these views, the committee report a bill and recommend its passage.

WASHINGTON, *March 5, 1852.*

SIR: I have received your letter of February 13, ultimo, requesting me "to state" my "personal knowledge of the facts set forth in the petition of Santiago E. Arguello," and also my "opinion in regard to the propriety of paying the whole or any part of his claim."

In answer to your inquiries I reply, that I have no doubt of the truth of the facts on which the claim of Santiago E. Arguello is founded. The losses which he sustained in consequence of his adhesion to the American cause were great, and, in my estimation, would not be overpaid by giving him the sum of \$14,888. His services were most meritorious. He served gallantly under me during my campaigns in California, and it would be no more than justice that he should receive the full amount of his claim. In justification of this opinion, I must add:

1st. Don Santiago E. Arguello was one of the first, after my proclamation, to espouse the American cause, and take up arms in its defence.

2d. He assisted in taking and holding San Diego under the American flag.

3d. He raised a company and served under me during the whole campaign.

4th. He fought most gallantly, side by side with me in every battle, always distinguished.

5th. By his enterprise and boldness he contributed, more than any one else, to supply me with cattle and animals for transportation purposes.

6th. He exercised a powerful and salutary influence in harmonizing and reconciling the Californians to the change of flag.

7th. His family were driven from their home; his house pillaged and burnt; his numerous flocks and herds destroyed; his peons scattered and driven off; his inclosures and growing crops wantonly laid waste; and not a vestige of his perishable property left. Thus, at the

end of the war he found himself rich in honors, but a houseless, and homeless, and poverty-stricken man.

Permit me further to say, that you will see, by reference to bill No. 8, of the Senate, that if that bill should become a law, it will not cover the case of Don Santiago E. Arguello, but that special legislation will be required for his indemnification.

Yours, respectfully,

R. F. STOCKTON.

Hon. RICHARD BRODHEAD,

*Chairman of Senate Committee on Claims.*

It will be observed that, in the above report, the committee deemed it proper to reduce, to some extent, the value placed upon the horses and cattle by the commission, under the impression that the prices might have been enhanced by the demand growing out of the military operations; but, in consequence of the long delay to which the claimant has been subjected in obtaining payment for his property, the present committee are of opinion that the full amount of the award ought to be allowed. They therefore report a bill in accordance with these views, and recommend its passage.

A letter from the widow of the petitioner, together with one from Major R. B. Lee, United States army, on file with the papers, show that he died in California on the 20th of October, 1857, leaving his widow and several children in poverty. The following is Major Lee's letter:

SAN FRANCISCO, *December 3, 1857.*

SIR: I have the honor herewith to inclose a letter and its interpretation, received from the widow of Don Santiago E. Arguello, announcing his death on the 20th of October. This letter I request may be read to your honorable committee and to the Senate, and then placed on file with the documents and evidence accompanying his claim, so just and so long, and to his interests ruinously, delayed. The vast possessions of this unfortunate man had passed from him. He died poor and in debt, leaving his estimable widow and numerous female children friendless, destitute, in abject poverty, and dependent upon the cold charity of the world. The honest and just claim of the deceased, his patriotism, his gallant and important services to the country of his adoption, his unbounded hospitality and generosity to our starving emigrants in their hour of need, his sufferings and self-sacrificing losses, are so fully substantiated and set forth in the documents before your committee that I deem it unnecessary to enter into their recital.

His claim was *twice* passed favorably by the board of officers instituted by law to investigate Frémont California claims, and, I believe, *thrice* passed by the Senate, without a dissenting voice; on the two first occasions the bills for his relief having been reported by Senator Bayard, and on the last by Senator Brodhead.

To prevent this last remnant of his estate falling into the hands of uncompromising creditors and expectant extortioners, and by the advice of his nearest friends, and in accordance with the wishes of his widow, communicated to me by them, I am induced, as the only means

of rendering the proceeds available to the necessities of his family, to ask that a bill be reported in the name of the widow for her sole use and benefit.

His widow (Doña Señora "Guadalupe Estudillo de Arguello") is a noble-minded woman, beloved, respected and honored by all who know her, and in adversity as in prosperity remains a model of all the virtues that dignify and adorn the name of woman.

I have no interest in this claim whatever, and am influenced alone by knowledge of the facts and circumstances, and from a sense of feeling and humanity.

It would be very gratifying to me, sir, to receive your acknowledgment of this communication, and to be permitted to communicate to the family the consolation of your assurances that in the absorbing legislation of the next Congress the claims of the destitute widow and orphans will not be forgotten.

I am, sir, with much respect, your obedient servant,

R. B. LEE,

*Major United States Army.*

HON. CHAIRMAN OF COMMITTEE ON CLAIMS,

*United States Senate.*

The following letter is from Commander Minor, United States navy, who served with Arguello in the conquest of California:

WASHINGTON CITY, *December 18, 1852.*

SIR: In answer to your inquiries regarding the knowledge I possess of the services and losses of Santiago E. Arguello, of San Diego, California, I have to state that I knew him well, and esteemed him highly; that I was associated with him on duty for upwards of six months; that during the period of the conquests of California he rendered important services to the United States, and that in consequence thereof he sustained great losses, reducing him from comparative wealth and affluence to comparative poverty and want, as I will briefly explain:

In October, 1846, Santiago E. Arguello was one of that gallant band of fifty-five volunteers, under Captain Merritt, who successfully defended San Diego against the almost daily attacks of quadruple their number of well armed Mexicans. In transferring his command Merritt spoke in high terms of Arguello. He said that he had ever been amongst the foremost to repel the assaults made upon the garrison; that through his exertions, and from his rancho, were derived the supply of food necessary for their support. In making an attack upon and capturing the only piece of artillery in possession of the enemy Arguello was conspicuously brave, and though wounded in the affair, had it not revealed itself, his wounds would have been unknown. His zeal in our behalf rendered him the especial object of the hatred of the Mexicans, and they determined to inflict upon him a summary vengeance by carrying into captivity his wife and children, driving off his herds and peons, and destroying the buildings upon his rancho. Timely information frustrated a portion of their designs. His family

of females and young children were embarked in boats sent to transport them to San Diego, but everything that was left that was capable of destruction was destroyed with an unwarrantable barbarity. His houses burnt, his peons dispersed, and his herds driven to a distant part of the country.

In addition to this Arguello sustained another loss by the United States force occupying as a barracks and fortifying his town residence in San Diego. It was deemed necessary to make loop holes in the walls for musketry, to break down a portion of the wall of the inclosure, to make embrasures for artillery, and to dig a ditch surrounding the whole. The fencing of his large garden was used for fuel, the furniture of the house materially injured, and after it was vacated by our men it was scarcely habitable. During these and other sad reverses of fortune, he did not abate one iota of his zeal in our cause. Two expeditions were fitted out and sent ninety miles to the south to procure provisions and animals to conduct the war, as well as to protect persons friendly to our side. Both were successful; and a large portion of that success is due to the knowledge, influence, and zeal, exerted by Arguello.

I believe you have been informed of the distinguished part which Arguello, took in the subsequent campaign, of his gallantry in the battle of the 8th and 9th of January, 1847, and of his untiring fidelity to the conclusion of the war. It may not be improper for me to say that he was ever near the person of Commodore Stockton; that he obtained his confidence as well as the respect of the officers of the navy and army; that he was a firm and patriotic friend of our country, and a gallant supporter and defender of its flag.

It is true he has lost his all; but a murmur has never passed his lips. He patiently awaits the justice that Congress will ultimately award him, which will restore him a portion of the fortune which he lost in aiding the American forces in the conquest of California.

Wishing you all success in your disinterested efforts in behalf of this unfortunate but most worthy man, with high respect, I remain, very truly, yours,

GEORGE MINOR,

*Lieutenant United States Navy.*

Major RICHARD LEE,

*United States Army, Washington City.*

From all the evidence in the case, your committee find that Arguello was a wealthy and distinguished Californian, and that when the American forces entered that portion of Mexico, he was the first man to join its standard.

That he raised and equipped, at his own expense, a mounted troop of his countrymen, which troop fought with Stockton throughout the war.

That he assisted in assaulting and capturing San Diego, and was one of the fifty men who successfully maintained its possession against a quadruple force.

That he fought in every battle by the side of Stockton, and always with distinguished gallantry.



That by his enterprise and boldness he contributed more than any one else to supply the American forces with cattle and animals for transportation purposes.

That he exercised a powerful influence in reconciling Californians to the change of flag.

That the American forces were in part supplied with food from his cattle, taken from his rancho, and through his own exertions. That the American forces took possession of his dwelling-house, in San Diego, fortified and occupied it as a barrack, piercing its walls for musketry, removing a portion of its inclosing walls for artillery, and to dig a ditch around the whole; the fencing around the whole being used for fuel.

Under these circumstances of the case, your committee deem that sound policy no less than equity dictates relief, and they report a bill accordingly.

